IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 18829 of 2004

Between:

The Andhra Cements Workers Union (Independent), (Regd.NO.G-418), Durga Cement Unit, Dachepalli, rep. by its President, Presently Gunja Anjaneyulu, S/o. Late Narasaiah, Dachepalli, Guntur District, A.P.

..... PETITIONER

AND

1. The Appellate Authority for Industrial & Financial- Reconstruction

(AAIFR), Indra Prakash Bldgs., K.G. Marg, New Delhi-110 001.
2 The Board for Industrial & Financial Reconstruction (BIFR),

Jawahar Vyapar Bhavan, 1, Tolstoy Marg, New Delhi- 110 001,.
3 M/s. Andhra Cements Company Ltd.,(ACL), (A Public Ltd.,

Company incorporated under the - Companies Act 1956) rep. by

its Managing Director, having its corporate Office at 2nd Floor,
Chandralok Complex, 111, Sarojini Devi Road, Secunderabad -

500 003, A.P.
4 M/s. Durga Estates, Lotus Land Mark, C.K. Reddy Road,

Adyodhaya Nagar, Vijayawada-520 003, A.P.
5 M/s. Industrial Development Bank of India, Rehabilitation Financial

Department, IDBI Tower, Cuffe Parade, Mumbai-400 005.

6 The Secretary, Industries & Commerce Dept., Govt of

A.P.,Secretariat, Hyderabad.
7 The Secretary, Department of Industrial Development, Ministry of

Industry, Govt of India, Udyog Bhavan, New Delhi.
8 M/s. Duncans Industries Limited, 31, Netaji Subhash Road,

Kolkata - 700 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of writ of Mandamus declaring the order passed by the 1st respondent AAIFR in Appeals No.90/2004 and 148/2004 dt. 08.07.2004 staying the order of the 2nd respondent-BIFR dt. 17.04.2003 and further directing the 5th respondent IDBI to implement the Memorandum of Understanding dt. 07.02.2003 after issuing the No. Objection Certificate and releasing the title deeds on pro-rata basis to the extent of sale consideration, u/sec.25 of the sick Industrial Companies (Special Provisions) Act, 1985 r/w Regulation 16 of the Board of Industrial & Financial Reconstruction Regulations 1987 as being violative of the principles of natural justice, opposed to equity, justice and the very object and purpose of the Sick Industrial Companies (Special Provisions) Act, 1985 and consequently set aside the orders of the 1st respondent - AAIFR in Appeals No.90/2004 and 148/2004 dt. 08.07.2004.

Counsel for the Petitioner:MR.B.CHINNAPA REDDY

Counsel for respondent Nos.1, 2, 5, 6 and 8: None appeared.

Counsel for respondent Nos.3 and 4: Mr.CH.Ramesh Babu

Counsel for the Respondent No.7: MR.Deepak Bhattacharjee (Addl. SC FOR CG)

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

In the writ petition, interim order dated 8th July, 2004 passed by the first respondent in Appeal Nos.90 of 2004 and 148 of 2004 was challenged. During the pendency of the writ petition, Appellate Authority for Industrial and Financial Reconstruction has disposed of the appeals and the very fact that the appeals, the interim order in which was challenged in this writ petition, have been disposed of and against the order of Appellate Authority for Industrial and Financial Reconstruction W.P.No.22820 of 2004 is filed and was dismissed by a Division Bench of this Court, render this writ petition infructuous and is disposed of as such. In case, the petitioner has any other grievance, the petitioner can seek its redressal in accordance with law.

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DEVINDER GUPTA, CJ

27-12-2004

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B.SESHASAYANA REDDY, J

tvr

To

1. The Appellate Authority for Industrial & Financial- Reconstruction

(AAIFR), Indra Prakash Bldgs., K.G. Marg, New Delhi-110 001.
2 The Board for Industrial & Financial Reconstruction (BIFR),

Jawahar Vyapar Bhavan, 1, Tolstoy Marg, New Delhi- 110 001,.
3 M/s. Industrial Development Bank of India, Rehabilitation Financial

Department, IDBI Tower, Cuffe Parade, Mumbai-400 005.
4 The Secretary, Industries & Commerce Dept., Govt of

A.P.,Secretariat, Hyderabad.
5 The Secretary, Department of Industrial Development, Ministry of

Industry, Govt of India, Udyog Bhavan, New Delhi.
6 2 CCs to the Addl. Central Govt. Standing Counsel, High Court

buildings, Hyderabad (OUT).

7 2 CD copies.